

FILED

AUG 30 2022

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Tamisha Latimore

1025 Nevin Ave #2024  
Richmond, CA 94804 Richmond, CA 94801

Tel: (510) 543-1159

Email: Tamisha.Latimore@gmail.com

Pro Se Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

Tamisha Latimore

Plaintiff,

vs.

DISCOVER BANK

Defendant.

Case Number: C22-04959

COMPLAINT

COMPLAINT

Tamisha Latimore (hereinafter Plaintiff) proceeding pro se and alleging the following against DISCOVER BANK.

INTRODUCTION

This action arises out of the Defendant's violation of the Equal Credit Opportunity Act, 15 U.S.C. 1691 et seq. ("ECOA"). Plaintiff seeks to have an Order of injunction issued by this Court preventing Defendant from continuing its violative behaviors.

JURISDICTION AND VENUE

1. This court has jurisdiction over this complaint pursuant to 28 U.S.C. 1331 and 15 U.S.C. 1691.

2. Venue is appropriate in this District pursuant to 28 U.S.C. 1391(b)(2) because a substantial part of events giving claim occurred as Defendant conducts business in this District and 28 U.S.C. 1391(c)(1) because Plaintiff resides in this District.

COMPLAINT

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1 3. Intradistrict Assignment to the Oakland Division of this Court is appropriate pursuant  
2 to Civil Local Rule 3-2(d) because a substantial part of the acts and transactions occurred in  
3 Contra Costa County.

4 **PARTIES**

5 4. Plaintiff, Tamisha Latimore ("Plaintiff") is a natural person who resides in Contra  
6 Costa County, State of California.

7 5. Plaintiff is an applicant as defined by the ECOA (15 U.S.C. 1691a(b)).

8 6. Plaintiff is a natural consumer as defined by 15 U.S.C. 1692.

9 7. Defendant, DISCOVER BANK ("Defendant"), is a creditor as defined by 15 U.S.C.  
10 1691a(e). Defendant is an entity who, at all relevant times, was engaged by use of mail,  
11 attempting to communicate with Plaintiff.

12 **FACTUAL ALLEGATIONS**

13 8. Plaintiff was a credit card member with Defendant since August 2018 and has  
14 consistently and timely paid the credit card bill each month (See Exhibit A).

15 9. On or about April 28, 2022, Plaintiff applied for a credit limit increase with Defendant  
16 and received a refusal of said credit limit increase.

17 10. On or about May 10, 2022, by certified mail, Plaintiff wrote a letter of appeal for  
18 denial of credit to Defendant (See Exhibit A).

19 11. On or about May 13, 2022, Defendant received letter of appeal, signed with return  
20 receipt (See Exhibit B).

21 12. On or about May 31, 2022, Plaintiff received written communication from Defendant  
22 stating that they have decided to permanently close Plaintiff's account ending in 5217 due to  
23 debt validation (See Exhibit C).

24 13. At no time did Plaintiff request debt validation from Defendant. Plaintiff's credit card  
25 account reflected a \$0 balance with no debt to validate (See Exhibit D).

26 14. On or about July 12, 2022, by certified mail, Plaintiff responded to the account  
27 closure letter with an adverse action letter to Defendant, asking that they: (a) provide lawful  
28 authority of account closure, (b) reopen account with a \$30,000 credit limit, (c) adhere to  
requests in fourteen (14) days of receipt or Plaintiff would pursue legal action (See Exhibit E).

1 15. The Defendant did not provide adequate or sufficient written notification of adverse  
2 action as required by law under the Equal Credit Opportunity Act of the statement of reason(s)  
3 for account closure.

4 16. On or about July 29, 2022 by certified mail Plaintiff sent a final Notice of Default to  
5 the Defendant to remedy this matter within three (3) days (See Exhibit F).

6 17. Despite all attempts to resolve this matter, the Defendant refuses to reopen Plaintiff's  
7 account and continue to report account closure on Plaintiff's consumer report.

8 **COUNT I: VIOLATION OF THE EQUAL CREDIT OPPORTUNITY ACT**

9 **15 U.S.C. 1691(a)**

10 18. Plaintiff incorporates each of the preceding allegations as stated herein.

11 19. Defendant violated 15 U.S.C. 1691(a) by discriminating against the Plaintiff with  
12 respect to a credit transaction by closing Plaintiff's account after Plaintiff requested a credit limit  
13 increase.

14 20. As a direct and proximate cause of Defendant's actions. Plaintiff has been harmed  
15 and suffered undue stress due to loss of credit.

16 **COUNT II: VIOLATION OF THE EQUAL CREDIT OPPORTUNITY ACT**

17 **15 U.S.C. 1691(d)(2)**

18 21. Plaintiff repeats and re-alleges each and every allegation herein.

19 22. Defendant violated 15 U.S.C. 1691(d)(2) because adverse action was taken against  
20 Plaintiff for requesting a credit limit increase. Defendant failed to provide Plaintiff with a  
21 statement of reasons for such action.

22 **COUNT III: VIOLATION OF THE EQUAL CREDIT OPPORTUNITY ACT**

23 **15 U.S.C. 1691(d)(6)**

24 23. Plaintiff repeats and re-alleges each and every allegation herein.

25 24. Defendant violated 15 U.S.C. 1691(d)(6), by revoking Plaintiff's credit card account.

26 **PRAYER FOR RELIEF**

27 **WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays for relief and judgment be  
28 granted as follows:

a. Adjudging that Defendant violated the Equal Credit Opportunity Act.

1 b. Order of injunction for Defendant to reopen and reestablish Plaintiff's credit card  
2 account ending in 5217.

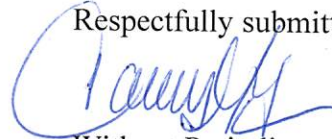
3 c. Order of injunction for Defendant to award Plaintiff with a \$30,000 credit limit.

4 d. Order of injunction for Defendant to properly report account ending in 5217 as open  
5 and in good standing with the three major Consumer Reporting Agencies including: Experian,  
6 Equifax and Trans Union.

7 e. Awarding such other and further relief as the Court may deem just and proper.  
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21

22 August 30, 2022

Respectfully submitted,



Without Prejudice

Tamisha Latimore

302 S 18<sup>th</sup> St

Richmond, CA 94804

Tel: (510) 543-1159

Tamisha.Latimore@gmail.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of August 2022, I served or caused to be served the foregoing document via U.S. Mail on the following:

Discover Bank  
c/o CT Corporation System  
330 N Brand Blvd, Ste 700  
Glendale, CA 91203-2336

Clear Form

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NORTHERN DISTRICT OF CALIFORNIA**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Tamisha Latimore

Plaintiff,

vs.

DISCOVER BANK

Defendant.

CASE NO.

**C22-04959****APPLICATION TO PROCEED  
IN FORMA PAUPERIS****(Non-prisoner cases only)****TSH**

I, Tamisha Latimore, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_ No ✓

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: \_\_\_\_\_ Net: \_\_\_\_\_

Employer: \_\_\_\_\_

If the answer is "no," state the date of last employment and the amount of the gross and net salary



1 and wages per month which you received.

2 Date of last employment - 12/04/2021

3 Gross - \$4,000

4 Net - \$2,600

5 2. Have you received, within the past twelve (12) months, any money from any of the  
6 following sources:

7 a. Business, Profession or Yes \_\_\_\_ No ☒  
8 self employment?

9 b. Income from stocks, bonds, Yes \_\_\_\_ No ☒  
10 or royalties?

11 c. Rent payments? Yes \_\_\_\_ No ☒

12 d. Pensions, annuities, or Yes \_\_\_\_ No ☒  
13 life insurance payments?

14 e. Federal or State welfare payments, Yes \_\_\_\_ No ☒  
15 Social Security or other govern-  
16 ment source?

17 If the answer is "yes" to any of the above, describe each source of money and state the amount  
18 received from each:

19 \_\_\_\_\_  
20 \_\_\_\_\_

21 3. Are you married? Yes \_\_\_\_ No ☒

22 Spouse's Full Name: \_\_\_\_\_

23 Spouse's Place of Employment: \_\_\_\_\_

24 Spouse's Monthly Salary, Wages or Income:

25 Gross \$ \_\_\_\_\_ Net \$ \_\_\_\_\_

26 4. a. List amount you contribute to your spouse's support:\$ \_\_\_\_\_

27 b. List the persons other than your spouse who are dependent upon you for support  
28 and indicate how much you contribute toward their support. (NOTE: For minor



children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.)

5. Do you own or are you buying a home? Yes \_\_\_ No ☒

Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ \_\_\_\_\_

6. Do you own an automobile? Yes ☒ No \_\_\_

Make Nissan Year 2015 Model Sentra

Is it financed? Yes ☒ No \_\_\_ If so, Total due: \$ 6,500

Monthly Payment: \$ 363.24

7. Do you have a bank account? Yes ☒ No \_\_\_ (Do not include account numbers.)

Name(s) and address(es) of bank: Navy Federal Credit Union  
820 Follin Ln SE, Vienna, VA 22180

Present balance(s): \$ 16.45

Do you own any cash? Yes ☒ No \_\_\_ Amount: \$ 500.00

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.)

Yes \_\_\_ No ☒

8. What are your monthly expenses?

Rent: \$ 1,650.00 Utilities: \$200.00

Food: \$ 400.00 Clothing: \$200.00

Charge Accounts:

<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Account</u>
Navy Federal Credit Card	\$ <u>150.00</u>	\$ <u>4,958.25</u>
Navy Federal Credit Card	\$ <u>208.00</u>	\$ <u>10,011.95</u>
Navy Federal Credit Card	\$ <u>306.62</u>	\$ <u>10,364.80</u>

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes \_\_\_ No ✓

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

8/30/2022

DATE



SIGNATURE OF APPLICANT